BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Edison Company (E 338-E) for Authority to Institute a Rate Stabilization Plan with a Rate Increase and End of Rate Freeze Tariffs.

Application 00-11-038 (Filed November 16, 2000)

Emergency Application of Pacific Gas and Electric Company to Adopt a Rate Stabilization Plan. (U 39 E) Application 00-11-056 (Filed November 22, 2000)

Petition of THE UTILITY REFORM NETWORK for Modification of Resolution E-3527.

Application 00-10-028 (Filed October 17, 2000)

ADMINISTRATIVE LAW JUDGE'S RULING SETTING PROCEDURAL SCHEDULE

On January 13, 2005, a second prehearing conference (PHC) was held relating to allocation of the 2005 revenue requirement of the California Department of Water Resources (DWR). In an earlier Ruling and at a December 15, 2004 PHC and settlement conference, the participants in this proceeding were directed to work collaboratively to resolve any issues relating to the allocation of the 2005 revenue requirement, in the context of the permanent allocation methodology adopted by the Commission in Decision 04-12-014.

Since that time, the active parties report that they have made significant progress toward resolving the outstanding issues. Nevertheless, they have not yet been able to present a full or partial settlement to this Commission.

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Accordingly, given the mandatory 120-day limit for resolving this proceeding, a litigation schedule must be established.

No party at the PHC could identify any material issues of disputed fact that would require evidentiary hearings. To the extent any party could identify any potential disputed issues, those issues appeared to be issues of law, relating to the interpretation of prior Commission decisions. A briefing-only litigation process is appropriate for resolving such issues. San Diego Gas & Electric Company pointed out that for briefing purposes the parties may need additional information from DWR that is not yet in the record. Given these considerations, the following litigation schedule is established:

January 26, 2005 – DWR will submit and serve an addendum to its previously submitted revenue requirement, containing the additional information needed by the parties.²

February 1, 2005 – Opening Briefs are due. Service is to be electronic, and to be made by 12:00 noon.

February 4, 2005 – Reply Briefs are due. Service is to be electronic, and to be made by 5:00 p.m.

¹ If any party identifies a material issue of disputed fact on which they seek testimony and evidentiary hearings, they may submit a motion requesting permission to submit testimony, and for the Commission to conduct evidentiary hearings. Any such motion must contain detailed factual and legal support.

 $^{^{2}\,}$ DWR is working cooperatively with the parties to provide this information.

Despite the establishment of this schedule, we remain optimistic that the active parties can reach a settlement. Parties may submit a full or partial settlement or stipulation via motion at any time until the due date of Reply Briefs (end of day February 4, 2005).³

IT IS RULED that:

- 1. The California Department of Water Resources will submit and serve an addendum to its previously-submitted revenue requirement, containing the additional information needed by the parties, by January 26, 2005.
- 2. Opening Briefs are due on February 1, 2005, with electronic service to be made by 12:00 noon. Reply Briefs are on February 4, 2005, with electronic service to be made by 5:00 p.m.
- 3. The parties are encouraged to continue their settlement negotiations. Parties may submit a full or partial settlement or stipulation via motion at any time until the time and date set for submission of Reply Briefs.
- 4. Consistent with prior practice in this proceeding, service of documents shall be electronic only.

Dated January 18, 2005, at San Francisco, California.

/s/ PETER V. ALLEN
Peter V. Allen

 $^{^3}$ This is a modification of the February 1, 2005 date set at the PHC by the Administrative Law Judge.

Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Setting Procedural Schedule on all parties of record in this proceeding or their attorneys of record. Dated January 18, 2005, at San Francisco, California.

/s/ FANNIE SID
Fannie Sid

NOTICE

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.